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APR 30 2003

GROUP 3600

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April 29, 2003

Glen L. Nuttall, Reg. No. 48,188

### FACSIMILE TRANSMITTAL SHEET

TO: Examiner Frederick Lyndon Lagman  
FIRM: UNITED STATES PATENT AND TRADEMARK OFFICE  
GROUP ART UNIT: 3673  
SERIAL NO.: 09/848,972  
FILING DATE: May 4, 2001  
FAX NO.: (703) 305-7687  
FROM: Glen L. Nuttall  
CLIENT CODE: LOCHT.060RA  
TOTAL NUMBER OF PAGES: - 20 - (INCLUDING COVER SHEET)  
DATE: April 29, 2003 TIME: P.D.T.  
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MESSAGE:

Enclosed for filing in the above-identified patent application is a Office Action Response.

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**PATENT**

Case Docket No. LOCHT.060RA

Date: April 29, 2003

Page 2

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- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (x) Charge \$124 to Deposit Account No. 11-1410.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

  
Glen L. Nuttall  
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## PATENT

Case Docket No. LOCHT.060RA

Date: April 29, 2003

Page 1

In re application of : Thomas J. Lochtefeld )  
App. No. : 09/848,972 )  
Filed : May 4, 2001 )  
For : SIMULATED WAVER WATER )  
SCULPTURE )  
Examiner : F. Lagman )  
Art Unit : 3673 )

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APRIL 29, 2003

(Date)

Glen L. Kuttall, Reg. No. 46,188

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Transmitted herewith is an amendment in the above-identified application.

(X) An extension of time to respond for 1 month is hereby requested.

### Time Extension Fee:

(X) one month (\$55 small entity)  
() two months (\$205 small entity)  
() three months (\$465 small entity)

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	80	—	77	= 3 x	\$9	= \$27
Independent Claims	13	—	12	= 1 x	\$42	= \$42
If application has been amended to contain multiple dependent claim(s), then add					\$140	= \$0
Time Extension Fee						\$55
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$124

#12  
Request for  
Recon  
JB  
10/10/02

LOCHT.060RA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas J. Lochtefeld )  
Reissue )  
Appl. No. : 09/848,972 )  
Filed : May 4, 2001 )  
Reissue of )  
Patent No. : 5,899,634 )  
For : SIMULATED WAVE WATER )  
SCULPTURE )  
Examiner : F. Lagman )

Group Art Unit 3673

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I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

October 3, 2002

(Date)

Glen L. Nuttall, Reg. No. 46,138

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RESPONSE TO OFFICE ACTION

OFFICIAL

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

In response to the Office Action mailed August 12, 2002, Applicant respectfully submits the following comments in connection with the above-captioned application.

Claims 1-8, 10-18 and 20-39 have been allowed; however Claims 42-81 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,036,603 to Mason et al.

Applicant would like to thank Examiner Lagman for the courteous telephone interview with Applicant's attorney, Glen Nuttall, on October 3, 2002. As discussed in the interview, the above-captioned application is a reissue application of U.S. Pat. No. 5,899,634, which issued from an application filed on October 22, 1996. Thus, the priority date of the above-captioned application is October 22, 1996. The application that became the Mason patent was filed on September 29, 1998. As such, the Mason patent is not prior art to the above-captioned

Appl. No. : 09/848,972  
Filed : May 4, 2001

application. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 42-81.

Applicant believes that all of the claims currently are in condition for allowance.

**CONCLUSION**

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the application in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/3/02

By: 

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